

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
Region 21

RADY CHILDREN'S HOSPITAL - SAN DIEGO

Employer

and

Case 21-RD-2829

SALLY A. JAMES, AN INDIVIDUAL

Petitioner

and

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 2028

Union

ORDER DISMISSING PETITION

The above-captioned petition was filed on March 23, 2007. The parties entered into a Stipulated Election Agreement for an election to be conducted on March 25 and 26, 2009. On March 23, the Union unequivocally disclaimed interest in representing the employees employed in the unit involved herein. On March 24, I issued an Order Cancelling the Election as there is no evidence of inconsistent action on the part of the Union.

As noted in Section 11124.2 of the *NLRB Casehandling Manual, Part Two, Representation Proceedings*, if a Union files a disclaimer of interest in an RD case

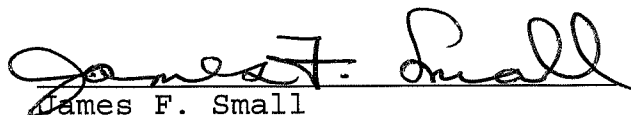
unaccompanied by inconsistent action, the petition should be dismissed.

**ACCORDINGLY, IT IS ORDERED** that the petition in this matter be, and it hereby is, dismissed inasmuch as there is no current question concerning representation.

Any petition filed by Service Employees, International Union, Local 2028 within 6 months from this date will not be entertained unless good cause is shown to the contrary. Moreover, in the event the union makes a claim for recognition upon Rady Children's Hospital - San Diego within 6 months from this date involving the same or substantially the same unit, a motion by the petitioner herein requesting reinstatement of this petition will be entertained. *Little Rock Road Machinery Co.*, 107 NLRB 715 (1954).

**IT IS FURTHER ORDERED** that the Certification of Representative issued on March 21, 2006 in Cases 21-RC-20846 and 21-RD-2802 be, and it is hereby, revoked.

**DATED** at Los Angeles, California on March 25, 2009.

  
James F. Small  
Regional Director  
Region 21  
National Labor Relations Board

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<sup>i</sup> Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, any party may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. A copy of such request for review must be served on the undersigned and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **April 8, 2009**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to me, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing should be served on the undersigned and each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

The **REQUEST FOR REVIEW MAY NOT** be filed by facsimile transmission. A request for extension of time, which **MAY** be filed by facsimile transmission, should be submitted to the Board in Washington, D.C. no later than the date set forth above for filing of the request for review.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Board's website at [www.nlr.gov](http://www.nlr.gov) and review the E-Gov tab which will contain lists of documents that may be served electronically under the various tabs for the components of the Agency.

The request for review may be filed electronically through E-Gov on the Board's website, [www.nlr.gov](http://www.nlr.gov). To file the request for review electronically, go to [www.nlr.gov](http://www.nlr.gov) and select the E-Gov tab. Then click on the E-Filing link on the menu. When the E-File page opens, go to the heading Board/Office of Executive Secretary and click on the File Documents button under that heading. A page then appears describing the E-Filing terms. At the bottom of that page, the user must check the box next to the statement indicating that the user has read and accepts the E-Filing terms and then click the Accept button. Then complete the E-Filing form, attach the document containing the request for review, and click the Submit Form button. Guidance for E-Filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is located under E-Gov on the Board's web site, [www.nlr.gov](http://www.nlr.gov).

If you file the request for review electronically it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date.

If the Agency's E-Filing system is unable to receive documents for an intermittent or continuous period of more than 2 hours after 12 noon (in the time zone of the receiving office), the site will be declared to be in technical failure. Notice of the technical failure determination will be posted on the website as soon as possible. Scheduled service, system maintenance or upgrades or when the system will be unavailable to receive filings will also be posted. If the system is determined to be in technical failure on the due date for the filing of a document and the failure prohibited a party from E-Filing, the document must be filed by the close of business of the receiving office on the next business day.

In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission.

(ALSO CHECK BOX  
BELOW WHEN APPROPRIATE)

**TYPE OF ELECTION**  
(CHECK ONE)

- CONSENT
- STIPULATED
- RD DIRECTED
- BOARD DIRECTED

8(b)(7)

**CASE** 21-RC-20846  
21-RD-2802

CHILDREN'S HOSPITAL - SAN DIEGO  
Employer

and

SERVICE EMPLOYEES INTERNATIONAL UNION,  
LOCAL 2028  
Labor Organization

and

UNITED NURSES OF CHILDREN'S HOSPITAL  
(UNOCH)  
Labor Organization

and

AMY R. HOVDA, An employee  
Petitioner

**CERTIFICATION OF REPRESENTATIVE**

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for  
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 2028

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.  
**UNIT:**

(SEE ATTACHED SHEET)



Signed at Los Angeles, California

On the 21st day of

March 2006

*Victoria E. Aguayo*  
Regional Director, Region 21  
National Labor Relations Board

Children's Hospital – San Diego  
Cases 21-RC-20846  
21-RD-2802

**INCLUDED:**

All full-time, regular part-time and per diem service and maintenance employees employed by the Employer at all of its facilities, including A-V & SET-UP ASSISTANT, ADMIN ASSOC (SKILL B), ADMIN ASSOC (SKILL B\*) ADMIN ASSOC (SKILL C), BEHAVIORAL TREATMENT TECHNICIAN, BIO MED TECH I, BIO MED TECH II, BIO MED TECH III, BIOMECHANICS LAB TECH I, BLDG MAINTENANCE TECH, BLDG MAINTENANCE TECH, LEAD, BUSINESS ASSOC 1A, BUSINESS ASSOC 1B, BUSINESS ASSOC IIA; CASE AIDE, CHILD ENRICHMENT AIDE, CLERK, CLINICAL ASSIST I, CLINICAL ASSIST II, CLINICAL CARE ASSISTANT, CLINICAL TRANSPLANT ASSOCIATE, CNA/PROGRAM SPEC PRECEPTOR, CNA/PROGRAM SPECIALIST, COMMUNITY RELATIONS ASST, CONSUMER SERVICE REP, COOK, COOK I, CUSTOMER SERVICE REP, DATA SPECIALIST, DATA SUPPORT SPECIALIST, DATA SUPPORT SPECIALIST, LEAD, DEPARTMENT TECHNICAL ASSIST, DERMATOLOGY ASSISTANT, DEVELOPMENTAL SVCS AIDE, DIETETIC AIDE, ENVIRONMENTAL CARE COORDINATOR (SURGICAL), EQUIPMENT SPECIALIST, EVS AIDE I, EVS AIDE I, CCH, EVS AIDE, LEAD, EVS AIDE, LEAD – CCH, EVS ATTENDANT, FOOD SERVICE WORKER, SENIOR, GROUNDSKEEPER, HEALTH INFORMATION SPECIALIST, HEALTH INFORMATION SPECIALIST II, HEALTH RECORD ANALYST, HELP DESK SPECIALIST, SR, HOME CARE DELIVERY TECH, HOSPITAL SERVICES AIDE, HOUSEKEEPING ATTENDANT, SENIOR, HUMAN RESOURCES PER DIEM, INPATIENT ASSISTANT, LEAD HVAC&R TECHNICIAN, LEAD PROGRAM SPECIALIST, MAINTENANCE COORDINATOR, MAINTENANCE MECHANIC II, MAINTENANCE MECHANIC III, MAINTENANCE TECH I, MATERIAL MANAGEMENT ASSOC, MATERIAL SERVICES OPERATOR, MECHANIC, LEAD, MEDICAL ASSISTANT 1, MEDICAL ASSISTANT II, NURSING ACTIVITIES ASSISTANT, NURSING ASSISTANT, PAINTER, LEAD PAINTER, PARENT LIAISON, PATIENT CARE ASSISTANT, PATIENT REP, PC CUSTOMER SERVICE TECH, PROGRAM ACTIVITY ASST, PURCHASING AGENT, PURCHASING SPECIALIST, PURCHASING SPECIALIST, PATHOLOGY, QMRP ASSISTANT, RECEIVING ASSISTANT, RECREATION THERAPY ASST, RELEASE OF INFORMATION SPECIALIST, RESIDENTIAL CARE PROFESSIONAL, RETAIL PHARMACY CLERK, SERVICE SUPPORT AIDE I, SERVICE SUPPORT AIDE II, SHUTTLE BUS DRIVER, STERILE PROCESSING TECH I, STERILE PROCESSING TECH II, SUPPORT ASSOC, SURGERY SCHEDULER, SURGICAL SERVICES AIDE, TRANSCRIPTIONIST, TRANSLATOR/RESOURCE SPECIALIST, TRANSPORT AIDE, AND WAREHOUSE COORDINATOR.

**EXCLUDED:**

All other employees, COMMUNICATIONS COORD, RADIOLOGY SYSTEMS COORDINATOR, RECREATION THERAPIST, EEG TECH, TELEMAGEMENT COORD P/D, TELEMAGEMENT COORDINATOR, COMMUNITY RELATIONS ASSOC P/D, AUTISM EDUCATION ASSOC I, PROJECT COORDINATOR, SUBSTITUTE TEACHER P/D, BUSINESS UNIT COORD, TEACHER ASSISTANT, TEACHER, GRAPHIC DESIGNER, GRAPHIC DESIGNER P/D, FACILITIES PROJECT COORDINATOR, professional employees, technical employees, business office clerical employees, confidential employees, independent contractors, guards, and supervisors as defined in the Act.